IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.14314 of 2008
SUNIL KUMAR CHAUDHARY @ SUNIL KUMAR
Versus
THE STATE OF BIHAR
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2 7.5.2008 Heard Counsel for the petitioner and the A.P.P. representing the State.

The petitioner is an accused under Section 379 of the Indian Penal Code. The petitioner was not named in the First Information Report and subsequently his name has come on the basis of recovery of a motorcycle from other co-accused persons. There is no recovery from the conscious possession of the petitioner and that the petitioner has no criminal antecedent except his involvement in the present case and another case which has been instituted on the basis of the information received in this case.

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In view of the fact that the petitioner has remained in custody for more than six months (since 5.8.2007), this Court is inclined to grant bail to the petitioner whose case stands on different footing from other co-accused namely Pappu Kumar, Manish Kumar and Gorakh Kumar from whose possession the motorcycle in question has been recovered.

Consequently, this Court directs the petitioner Sunil Kumar Chaudhary @ Sunil Kumar to be released on bail in connection with Pirbahore P.S. Case No. 177/2007 on

furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Patna.

It is however made clear that one of the bailers must be either mother or wife of the petitioner and the bail bond of any close family member of the petitioner will be accepted in case the mother or the wife of the petitioner are no longer alive.

Rsh (Mihir Kumar Jha, J.)

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